

**Notice of Allowability**

Application No.

10/761,240

Examiner

Rosalynd Keys

Applicant(s)

PICARD ET AL.

Art Unit

1621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and remarks filed August 19, 2005.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Status of Claims*

1. Claims 1-20 are pending.

Claims 1-20 are allowed.

### *Response to Amendment*

#### Claim Rejections - 35 USC § 112

2. The rejection of claims 9 and 12 under 35 U.S.C. 112, second paragraph, is withdrawn due to the amendments to said claims, filed August 19, 2005.

#### Claim Rejections - 35 USC § 103

3. The rejection of claims 1-10 under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (US 6,123,830) is withdrawn due to the amendment to said claims, filed August 19, 2005, which require the reaction be conducted under conditions sufficient to convert dienes to olefins and to convert nitrogen-containing compounds to nitrogen-containing compounds having a boiling point higher than 55°C, while not significantly hydrogenating said olefins.

### *Allowable Subject Matter*

4. Claims 1-20 are allowed.
5. The following is an examiner's statement of reasons for allowance: the prior art teaches simultaneous selective hydrogenation of diolefins and nitriles using a catalyst comprising a Group IB and Group VIII metal (Ramirez De Auedelo et al., US 5,712,415); desulfurization and denitrogenation of FCC gasoline using a conventional catalyst, such as CoMo/Al<sub>2</sub>O<sub>3</sub> or a dual functional catalyst, such as CoMo ZSM-5/Al<sub>2</sub>O<sub>3</sub> (Shih, US 6,042,719); and preparation of a low sulfur gasoline comprising a hydrogenation step followed by a fractionation step (Didillon et al.,

Art Unit: 1621

US 6,830,678 B2). However, the Examiner believes that the instant invention is patentable over the prior art because although many aspects of the instant invention are taught in the prior art the prior art fails to teach or fairly suggest conducting the reaction under conditions sufficient to convert dienes to olefins and to convert nitrogen-containing compounds to nitrogen-containing compounds having a boiling point higher than 55°C, while not significantly hydrogenating said olefins. The closest the prior art came was in converting nitrogen-containing compounds to ammonia, which has a boiling point of 33.5°C (see Hilfman, US 4,175,033 and Bradow et al., US 6,210,561 B1).


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rosalynd Keys whose telephone number is 571-272-0639. The examiner can normally be reached on M and F 3:00-8:00 pm and T-TR 5:30-10:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Rosalynd Keys  
Primary Examiner  
Art Unit 1621

October 28, 2005